CHAPTER 854. DIVISION FOR BLIND SERVICES

ADOPTED RULES WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS REGISTER. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE TEXAS REGISTER.

ON JULY 31, 2018, THE TEXAS WORKFORCE COMMISSION ADOPTED THE RULES BELOW WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS REGISTER.

Estimated date of publication in the Texas Register: August 17, 2018
The rules will take effect: August 21, 2018

The Texas Workforce Commission (TWC) adopts the repeal of the following sections of Chapter 854, relating to the Division for Blind Services, without changes, as published in the May 4, 2018, issue of the Texas Register (43 TexReg 2729):

Subchapter A. Criss Cole Rehabilitation Center, §§854.1 - 854.7, 854.130 - 854.134

PART I. PURPOSE, BACKGROUND, AND AUTHORITY
PART II. EXPLANATION OF INDIVIDUAL PROVISIONS WITH COMMENTS AND RESPONSES

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the adopted Chapter 854 Subchapter A, Criss Cole Rehabilitation Center rule change is to comply with Texas Labor Code §352.101. Section 352.101 required TWC to integrate the two Vocational Rehabilitation (VR) programs--VR for individuals with visual impairments (Blind Services) and VR for individuals with other disabilities (Rehabilitation Services)--into a single VR program. Consistent with §352.101, on October 1, 2017, the VR programs for individuals with visual impairments and for individuals with other disabilities were integrated into a single VR program. The rules to support this integration were effective November 6, 2017. TWC proposes that a new subchapter in Chapter 856 contain all rules for the Criss Cole Rehabilitation Center (CCRC) program. Therefore, TWC adopts the repeal of Chapter 854, Subchapter A and Subchapter D.

In August 2016, the Texas Health and Human Services Commission promulgated new rules for the Independent Living Services for Older Individuals Who Are Blind (ILS-OIB) program. As transferred to TWC, these rules, found at Subchapter D of current TWC Chapter 854 rules, supported plans for this program to be outsourced. However, as TWC provides ILS-OIB services as in-house services, the rules must be revised to reflect this service-delivery model.

Currently, program rules for ILS-OIB are located in Chapter 854, Subchapter D. In a separate but concurrent rulemaking, TWC proposes adopting new Chapter 853, to contain all rules for the ILS-OIB program.
PART II. EXPLANATION OF INDIVIDUAL PROVISIONS
(Note: Minor editorial changes are made that do not change the meaning of the rules and, therefore, are not discussed in the Explanation of Individual Provisions.)

SUBCHAPTER A. CRISS COLE REHABILITATION CENTER
TWC adopts the repeal of Subchapter A, Criss Cole Rehabilitation Center, in its entirety:

§854.1. Purpose
Section 854.1 is repealed. This section is no longer needed in this chapter.

§854.2. Legal Authority
Section 854.2 is repealed. This section is no longer needed in this chapter.

§854.3. Definitions
Section 854.3 is repealed. The information in this section is being incorporated into new Chapter 856, Subchapter G, in a separate but concurrent rulemaking proposal that groups common rules that address TWC's VR program.

§854.4. Eligibility
Section 854.4 is repealed. The information in this section is being incorporated into new Chapter 856, Subchapter G, in a separate but concurrent rulemaking proposal that groups common rules that address TWC's VR program.

§854.5. Services
Section 854.5 is repealed. The information in this section is being incorporated into new Chapter 856, Subchapter G, in a separate but concurrent rulemaking proposal that groups common rules that address TWC's VR program.

§854.6. Consumer Participation and Comparable Services and Benefits
Section 854.6 is repealed. The information in this section is being incorporated into new Chapter 856, Subchapter G, in a separate but concurrent rulemaking proposal that groups common rules that address TWC's VR program.

§854.7. Payment of Shift Differentials
Section 854.7 is repealed. The information in this section is being incorporated into new Chapter 856, Subchapter G, in a separate but concurrent rulemaking proposal that groups common rules that address TWC's VR program.

SUBCHAPTER D. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND
TWC adopts the repeal of Subchapter D, Independent Living Services for Older Individuals Who Are Blind, in its entirety:

SUBCHAPTER D. DIVISION 1: GENERAL RULES

§854.110. Purpose
Section 854.110 is repealed. This section is no longer needed in this chapter.

§854.111. Legal Authority
Section 854.111 is repealed. This section is no longer needed in this chapter.

§854.112. Definitions
Section 854.112 is repealed. The information in this section is being incorporated into new Chapter 853 in a separate but concurrent rulemaking proposal that consolidates TWC's ILS-OIB program rules into a new chapter.

SUBCHAPTER D. DIVISION 2: ALLOCATION OF FUNDS

§854.120. Allocation of Funds
Section 854.120 is repealed. The information in this section is being incorporated into new Chapter 853 in a separate but concurrent rulemaking proposal that consolidates TWC's ILS-OIB program rules into a new chapter.

SUBCHAPTER D. DIVISION 3: INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND

§854.130. Purpose
Section 854.130 is repealed. This section is no longer needed in this chapter.

§854.131. Eligibility
Section 854.131 is repealed. The information in this section is being incorporated into new Chapter 853 in a separate but concurrent rulemaking proposal that consolidates TWC's ILS-OIB program rules into a new chapter.

§854.132. Independent Living Plan
Section 854.132 is repealed. The information in this section has been incorporated into new Chapter 853 in a separate but concurrent rulemaking proposal that consolidates TWC's ILS-OIB program rules into a new chapter.

§854.133. Waiting List
Section 854.133 is repealed. This section is no longer needed in this chapter.

§854.134. Scope of Services
Section 854.134 is repealed. The information in this section is being incorporated into new Chapter 853 in a separate but concurrent rulemaking proposal that consolidates TWC's ILS-OIB program rules into a new chapter.

SUBCHAPTER D. DIVISION 4: CONSUMER PARTICIPATION

§854.140. Consumer Participation System
Section 854.140 is repealed. The information in this section is being incorporated into new Chapter 853 in a separate but concurrent rulemaking proposal that consolidates TWC's ILS-OIB program rules into a new chapter.

§854.141. Fee Schedule Amount
Section 854.141 is repealed. This section is no longer needed in this chapter.

§854.142. Insurance Payments
Section 854.142 is repealed. The information in this section is being incorporated into new Chapter 853 in a separate but concurrent rulemaking proposal that consolidates TWC's ILS-OIB program rules into a new chapter.

SUBCHAPTER D. DIVISION 5: CONSUMER RIGHTS

§854.150. Rights of Consumers
Section 854.150 is repealed. The information in this section is being incorporated into new Chapter 853 in a separate but concurrent rulemaking proposal that consolidates TWC's ILS-OIB program rules into a new chapter.

§854.151. Complaint Process
Section 854.151 is repealed. This section is no longer needed in this chapter.

SUBCHAPTER D. DIVISION 6: TECHNICAL ASSISTANCE AND TRAINING

§854.160. Administering Agency's Role in Providing Technical Assistance
Section 854.160 is repealed. This section is no longer needed in this chapter.

SUBCHAPTER D. DIVISION 7: REFERRALS

§854.170. Expectations of Administering Agency's Employees
Section 854.170 is repealed. This section is no longer needed in this chapter.

No comments were received.

TWC hereby certifies that the adoption has been reviewed by legal counsel and found to be within TWC's legal authority to adopt.

The repeal is adopted under Texas Labor Code §301.0015 and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted rules affect Title 4, Texas Labor Code, particularly Chapters 81, 301, and 302.
Chapter 854. DIVISION FOR BLIND SERVICES